IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WP(C).No. 1061 OF 2007(B)

PETITIONER:

LILLYKUTTY ABRAHAM, W/O. ABRAHAM AGED 74, PUTHENPURAYIL, KYNADI P.O., KAVALAM VILLAGE, KUTTANADU TALUK.

BY ADV. SRI.A.K.ALEX

RESPONDENTS:

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1. TAHSILDAR, KUTTANADU, MANKOMBU.

2. VILLAGE OFFICER, KAVALAM, KUTTANADU TALUK.

GOVT. PLEADER SRI. M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.C. NO. 1061 2007

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DATED THIS, THE 10TH DAY OF JANUARY, 2007

J U D G M E N T

Petitioner contends that she is not a defaulter of any public revenue due on land, to be proceeded under the Revenue Recovery Act. According to her, the Revenue Recovery Authorities have visited her house twice with a view to attach the movables. No notice of attachment as such is produced. As per the provisions of the Revenue Recovery Act, in case any property, movable or immovable are liable to be attached, a notice in the prescribed form has to be served without which there cannot be an oral attachment or sale. As such it is only a misapprehension in the mind of the petitioner. However, I make it clear that in case any of the movables in the house belonging to the petitioner is liable to be attached, a written notice of the same shall be given to her. On such service of notice, the movables shall not be removed from her house and she will be entitled to file a claim petition before the District Collector, which will be considered and disposed of by him before proceeding further under the Revenue Recovery Act.

The writ petition is closed.

Issue photo copy urgently.

P.R. RAMAN,
JUDGE.

knc/-